IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Donald Ray Gillis et al.

Application No.: 10/727,853 Group No.: 3728
Filed: 12/03/2003 Examiner: Mohandesi, Jila M.
For: PROTECTIVE DEVICE FOR REDUCING THE IMPACT OF PHYSICAL SHOCK

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TRANSMITTAL OF APPEAL BRIEF
(PATENT APPLICATION--37 C.F.R. § 41.37)

1. Transmitted herewith, is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on April 17, 2007 and the Notice of Panel Decision mailed July 25, 2007.

2. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 C.F.R. § 41.20(b)(2), the fee for filing the Appeal Brief is:

other than a small entity	$500.00
Appeal Brief fee due	**$500.00**

4. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

5. TOTAL FEE DUE

The total fee due is:

Appeal brief fee	$500.00
Extension fee (if any)	$0.00
TOTAL FEE DUE	**$500.00**

6. FEE PAYMENT

Authorization is hereby made to charge the amount of $500.00 to Deposit Account No. 50-2587 (Order No. HSJ9-2003-0211US1).

7. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-2587 (Order No. HSJ9-2003-0211US1).

Date: August 21, 2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of	)	
	)	
Gillis et al.	)	Group Art Unit: 3728
	)	
Application No. 10/727,853	)	Examiner: MOHANDESI, Jila M.
	)	
Filed: 12/03/2003	)	Attorney Docket No.
	)	HIT1P051/HSJ9-2003-0211US1
For: PROTECTIVE DEVICE FOR	)	
REDUCING THE IMPACT OF	)	
PHYSICAL SHOCK	)	Date: 08/21/2007
	)	

Commissioner for Patents
P.O. Box 1450
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ATTENTION: Board of Patent Appeals and Interferences

APPEAL BRIEF (37 C.F.R. § 41.37)

This brief is in furtherance of the Notice of Appeal, filed in this case on April 17, 2007 and the Notice of Panel Decision mailed July 25, 2007.

The fees required under § 1.17, and any required petition for extension of time for filing this brief and fees therefor, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains these items under the following headings, and in the order set forth below (37 C.F.R. § 41.37(c)(i)):

I REAL PARTY IN INTEREST
II RELATED APPEALS AND INTERFERENCES
III STATUS OF CLAIMS

IV STATUS OF AMENDMENTS

V SUMMARY OF CLAIMED SUBJECT MATTER

VI GROUNDS OF REJECTION PRESENTED FOR REVIEW

VII ARGUMENTS

VIII APPENDIX OF CLAIMS INVOLVED IN THE APPEAL

IX APPENDIX LISTING ANY EVIDENCE RELIED ON BY THE APPELLANT IN THE APPEAL

X RELATED PROCEEDINGS APPENDIX

The final page of this brief bears the practitioner's signature.

1 REAL PARTY IN INTEREST (37 C.F.R. § 41.37(c)(1)(i))

The real party in interest in this appeal is Hitachi Global Storage Technologies Netherlands B.V.

II RELATED APPEALS AND INTERFERENCES (37 C.F.R. § 41.37(c) (1)(ii))

With respect to other prior or pending appeals, interferences, or related judicial proceedings that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there is no such prior or pending appeals, interferences, or related judicial proceedings.

III STATUS OF CLAIMS (37 C.F.R. § 41.37(c) (1)(iii))

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 1-27

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims pending: 1-27
2. Claims withdrawn from consideration: none
3. Claims allowed: none
4. Claims rejected: 1-27
5. Claims canceled: none

C. CLAIMS ON APPEAL

The claims on appeal are: 1-22, 24-27

See additional status information in the Appendix of Claims.

IV STATUS OF AMENDMENTS (37 C.F.R. § 41.37(c)(1)(iv))

As to the status of any amendment filed subsequent to final rejection, no amendments were made subsequent to final rejection.

V SUMMARY OF CLAIMED SUBJECT MATTER (37 C.F.R. § 41.37(c)(1)(v))

With respect to a summary of independent claim 1, a device for extending an event time of a physical shock imparted on an electronic device is claimed. As shown in Figs. 6A-12 and described *inter alia* at p. 11, lines 11-12 and p. 9, lines 16-17, the claimed device includes a frame 102; and a resiliently elastic material 104 coupled to the frame, the resiliently elastic material being adapted for suspending an electronic device 100 with respect to the frame. As shown in Figs. 10-12, a portion of the frame is positioned along at least three sides of the electronic device. Referring to Figs. 6A-10, at least a portion of the resiliently elastic material is wrapped around an entire length of an outer periphery of the portion of the frame such that the resiliently elastic material encircles the outer periphery of the portion of the frame.

With respect to a summary of dependent claim 6, reference is made to the summary of claim 1. Referring to Figs. 9A-10 and p. 13, lines 1-16, the resiliently elastic material is in the form of a strap.

With respect to a summary of dependent claim 7, reference is made to the summary of claim 1. Referring to Figs. 11-12 and p. 14, lines 10-22 the resiliently elastic material is in the form of a rib adapted to be coupled to an electronic device.

With respect to a summary of dependent claim 12, reference is made to the summary of claim 1. Referring to p. 9, lines 4-19, the device extends a shock event time imparted on an electronic device coupled thereto by at least twice with respect to an identical shock imparted on an identical unprotected electronic device. *Cf.* Figs. 4 and 5.

With respect to a summary of dependent claim 13, reference is made to the summary of claim 1. Referring to p. 9, lines 4-6, the device extends a shock event time imparted on an electronic device coupled thereto by at least four times with respect to an identical shock imparted on an identical unprotected electronic device.

With respect to a summary of independent claim 15, an electronic device in combination with a device for extending an event time of a physical shock imparted on the electronic device is claimed. As shown in Figs. 6A-12 and described *inter alia* at p. 11, line 11 to p. 14, line 22, the combination includes an electronic device 100; a frame 102; and an elastic material 104 coupled to the frame, the elastic material being wrapped around at least a portion of the frame such that the elastic material forms an effectively continuous single loop around an outer periphery of the frame located therealong and the electronic device.

With respect to a summary of dependent claim 20, reference is made to the summary of claim 15. Referring to p. 9, lines 4-19, the shock event time is extended by at least twice with respect to an identical shock imparted on an identical unprotected electronic device. *Cf.* Figs. 4 and 5.

With respect to a summary of dependent claim 21, reference is made to the summary of claim 15. Referring to p. 9, lines 4-6, the shock event time is extended by at least four times with respect to an identical shock imparted on an identical unprotected electronic device.

With respect to a summary of dependent claim 24, a device for extending an event time of a physical shock imparted on an electronic device is claimed. As shown in Fig. 11 and described *inter alia* at p. 14, lines 10-14, the device includes a frame; and at least three resiliently elastic ribs 130 coupled to the frame, the resiliently elastic ribs being coupled to an electronic device 132 for suspending the electronic device with respect to the frame, the ribs being in tension, wherein the ribs do not encircle the electronic device. As shown in Fig. 11, a first of the ribs is coupled to a first side of the electronic device, wherein a second of the ribs is coupled to a second side of the electronic device, wherein a third of the ribs is coupled to a third side of the electronic device,

With respect to a summary of dependent claim 24, a device for extending an event time of a physical shock imparted on an electronic device is claimed. As shown in Fig. 11 and described *inter alia* at p. 14, lines 10-14, the device includes a frame; and at least three resiliently elastic ribs 130 coupled to the frame, the resiliently elastic ribs being coupled to an electronic device 132 for suspending the electronic device with respect to the frame, the ribs being in tension,

wherein the ribs do not encircle the electronic device. Referring to p. 9, lines 4-19, the device extends a shock event time imparted on an electronic device coupled thereto by at least twice with respect to an identical shock imparted on an identical unprotected electronic device.

VI GROUNDS OF REJECTION PRESENTED FOR REVIEW (37 C.F.R. § 41.37(c)(1)(vi))

Following, under each issue listed, is a concise statement setting forth the corresponding ground of rejection.

Issue # 1: Claims 1-5, 9-11, 14-16, 18-19 and 22 stand rejected under 35 USC 102(b) as being anticipated by Jones (US5676245, hereinafter "Jones").

Issue # 2: Claim 24 stands rejected under 35 USC 102(b) as being anticipated by Becker et al. (US6371434, hereinafter "Becker").

Issue # 3: Claims 12-13 and 20-21 have been rejected under 35 USC 103(a) as being obvious over Jones.

Issue # 4: Claims 6-8 and 17 have been rejected under 35 USC 103(a) as being obvious over Jones.

Issue # 5: Claims 25-26 have been rejected under 35 USC 103(a) as being obvious over Becker.

VII ARGUMENTS (37 C.F.R. § 41.37(c)(1)(vii))

The claims of the groups noted below do not stand or fall together. In the present section, appellant explains why the claims of each group are believed to be separately patentable.

Issue #1:

Issue # 1: Claims 1-5, 9-11, 14-16, 18-19 and 22 stand rejected under 35 USC 102(b) as being anticipated by Jones (US5676245, hereinafter "Jones").

Group #1: Claims 1-5, 9-11, 14

In the Office Action dated Jan. 17, 2007, claims 1-5, 9-11 and 14 were rejected under 35 USC 102(b) as being anticipated by Jones.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

With respect to claim 1, the Examiner has relied on Figure 6 from Jones in an attempt to make a prior art showing of applicants' claimed "resiliently elastic material being adapted for suspending an electronic device with respect to the frame." Specifically, the Examiner has referred to the base sheet 12 and the retaining sheet 14 from Jones in an attempt to make a prior art showing of applicants' "frame" and "resiliently elastic material," as claimed.

Applicants respectfully assert that Figure 6 in Jones clearly shows that "[t]he lap top computer 28 is secured and completely immobilized on the central base portion 39 of the base sheet 12 by

the film tube material 14, which extends around the lap top computer 28" (see Col. 5, line 67 – Col. 6, line 3 – emphasis added). This base sheet 12 is equated in the rejection to the claimed frame. However, as shown, Jones' object 28 is compressed against the base sheet 12 by the film tube material, not suspended with respect thereto. Rather, Jones specifically teaches that the lap top is completely immobilized on the central base portion of the base sheet 12, and that the film tube material 14 extends around the lap top computer. Thus, the film tube material 14 in Jones does not suspend an electronic device with respect to the frame, as claimed by applicants, because the lap top computer in Jones is completely immobilized on the frame. It follows that Jones fails to teach or disclose a "resiliently elastic material being adapted for suspending an electronic device with respect to the frame" (emphasis added), in violation of the rules of *Richardson* and *In re Bond, supra*.

Accordingly, the rejection of claim 1 is erroneous.

Claims 2-5, 9-11, and 14 depend from claim 1, and therefore incorporate the limitations of claim 1. Thus, such claims are also believed to be allowable over Jones.

Group #2: Claims 15-16, 18-19, 22

In the Office Action dated Jan. 17, 2007, claims 15-16, 18-19 and 22 were rejected under 35 USC 102(b) as being anticipated by Jones.

Claim 15 requires an elastic material coupled to the frame. However, Jones fails to specifically or inherently teach an elastic material coupled to the frame. In fact, in Col. 5, line 67 – Col. 6, line 3, Jones teaches that "[t]he lap top computer 28 is secured and completely immobilized on the central base portion 39 of the base sheet 12 by the film tube material 14, which extends around the lap top computer 28" (emphasis added). Thus, by disclosing that the lap top is completely immobilized on the central base portion 39 of the base sheet 12 by the film tube material 14, Jones indicates that the film tube material 14 is not elastic. Therefore, Jones fails to meet applicants' claimed "elastic material coupled to the frame."

Claims 16, 18-19, and 22 depend from claim 15, and therefore incorporate the limitations of claim 15. Accordingly, claims 16, 18-19, and 22 are also believed to be allowable over Jones.

Issue # 2: Claim 24 stands rejected under 35 USC 102(b) as being anticipated by Becker et al. (US6371434, hereinafter "Becker").

Group #1: Claim 24

In the Office Action dated Jan. 17, 2007, claim 24 was rejected under 35 USC 102(b) as being anticipated by Becker.

With respect to claim 24, the Examiner has relied on Figures 3-6 from Becker in an attempt to make a prior art showing of applicants' claimed "resiliently elastic ribs being coupled to an electronic device for suspending the electronic device with respect to the frame."

Furthermore, with respect to claim 24, applicants claim a device "wherein a first of the ribs is coupled to a first side of the electronic device, wherein a second of the ribs is coupled to a second side of the electronic device, wherein a third of the ribs is coupled to a third side of the electronic device" (emphasis added). However, Becker simply teaches that springs 10, 11, 12, and 13 in Figs. 3-4c are coupled to only two sides of the rectangular supporting plate 2 holding the compact disc player 1, while springs 10, 13, 14, 15 16, 17 are coupled to corners of the rectangular supporting plate 2 holding the compact disc player 1. Therefore, Becker fails to teach ribs coupled to a first, second, and third side of an electronic device, as claimed by applicants. Per *In re Bond*, *supra*, the elements must be arranged as required by the claim. Because Becker's elements are not arranged as required by the claim, the rejection is erroneous.

Issue # 3: Claims 12-13 and 20-21 have been rejected under 35 USC 103(a) as being obvious over Jones.

Group #1: Claims 12-13

In the Office Action dated Jan. 17, 2007, claims 12-13 were rejected under 35 USC 103(a) as being obvious over Jones.

The analysis of obviousness was set forth in *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966). In order to establish a *prima facie* case of obviousness, three basic criteria must be met:

> First, there must be some *suggestion or motivation*, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings of the references. Second, there must be a *reasonable expectation of success*. Finally, the prior art reference or combined references must teach or suggest *all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art*, and not based on applicant's disclosure (*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991; emphasis added).

Claims 12-13 depend from claim 1. Applicants respectfully assert that the arguments made hereinabove regarding claim 1, apply to, and thus overcome the rejection of claims 12-13. Specifically, the combination proposed in the rejection would fail at least the third element of the *Graham* test as applied to claim 1, and its dependent claims. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Claim 1 requires that the resiliently elastic material is adapted for suspending an electronic device with respect to the frame. In sharp contrast, Jones teaches that the lap top is completely immobilized **on** the central base portion of the base sheet 12, and the film tube material 14 extends around the lap top computer (see Col. 5, line 67 – Col. 6, line 3). Thus, the film tube material 14 in Jones does not suspend an electronic device with respect to the base sheet 12, as claimed by applicants. Nowhere has it been shown that Jones teaches or suggests suspension of an electronic device relative to a frame.

Accordingly, claim 1 is not obvious over Jones.

Claims 12-13 depend from claim 1, and therefore incorporate the limitations of claim 1. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Group #2: Claims 20-21

In the Office Action dated Jan. 17, 2007, claims 20-21 were rejected under 35 USC 103(a) as being obvious over Jones.

Similarly, claims 20-21 depend from claim 15. Applicants respectfully assert that the arguments made hereinabove regarding claim 15, apply to, and thus overcome the rejection of claims 12-13. Specifically, the combination proposed in the rejection would fail at least the third element of the *Graham* test as applied to claim 1, and its dependent claims. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Claim 15 requires an elastic material coupled to the frame. However, Jones fails to specifically or inherently teach an elastic material coupled to the frame. In fact, in Col. 5, line 67 – Col. 6, line 3, Jones teaches that "[t]he lap top computer 28 is secured and completely immobilized on the central base portion 39 of the base sheet 12 by the film tube material 14, which extends around the lap top computer 28" (emphasis added). Thus, by disclosing that the lap top is completely immobilized on the central base portion 39 of the base sheet 12 by the film tube material 14, Jones teaches and suggests that the film tube material 14 is not elastic. Therefore, Jones fails to anticipate or render obvious applicants' claimed "elastic material coupled to the frame."

Accordingly, claim 15 is not obvious over Jones.

Claims 20-21 depend from claim 15 and therefore incorporate the limitations of claim 15. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine, supra.*

Issue # 4: Claims 6-8 and 17 have been rejected under 35 USC 103(a) as being obvious over Jones.

Group #1: Claims 6 and 17

In the Office Action dated Jan. 17, 2007, claims 6 and 17 were rejected under 35 USC 103(a) as being obvious over Jones.

Claim 6 requires wherein the resiliently elastic material is in the form of a strap. Claim 17 requires wherein the elastic material is in the form of a strap. In the rejection, the Examiner stated that "it would have been an obvious matter of design choice to modify the shape of the elastic material, since such a modification would have involved a mere change in the shape of a component."

Applicants respectfully disagree and assert that Jones actually teaches away from the modification proposed in the rejection. A *prima facie* case of obviousness may also be rebutted by showing that the art, in any material respect, teaches away from the claimed invention. *In re Geisler*, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed. Cir. 1997).

Jones requires a film tube material 14 which extends around an electronic device (see Col. 6, lines 2-3). In addition, Jones teaches that the base sheet and the lap top computer are inserted into the film tube material 14 (see Col. 5, lines 40-42 and Fig. 2). Thus, Jones requires a tube shaped material to slide the lap top and base sheet into. Therefore, Jones *teaches away* from deviating from a tube structure and using a strap coupled to an electronic device, as claimed by applicants.

Thus, because Jones teaches away from using anything other than a tube structure, the rejection is erroneous.

Group #2: Claims 7-8

In the Office Action dated Jan. 17, 2007, claims 7-8 were rejected under 35 USC 103(a) as being obvious over Jones.

Claims 7 and 8 require a resiliently elastic material coupled to the frame, the resiliently elastic material being adapted for suspending an electronic device with respect to the frame, wherein the resiliently elastic material is in the form of a rib adapted to be coupled to an electronic device. In the rejection, the Examiner stated that "it would have been an obvious matter of design choice to modify the shape of the elastic material, since such a modification would have involved a mere change in the shape of a component."

Applicants respectfully disagree and assert that Jones does not teach or suggest use of a rib. In the rejection of claim 1, the Examiner pointed to Jones element 26 (notch, see col. 5, line 33). A *prima facie* case of obviousness may also be rebutted by showing that the art, in any material respect, teaches away from the claimed invention. *In re Geisler*, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed. Cir. 1997).

One cannot say that Jones' notch 26 is capable of suspending an electronic device with respect to the frame, even with significant modification. Nor has it been shown that the notch is resiliently elastic. Therefore, Jones fails to teach or suggest all claim limitations.

Issue # 5: Claims 25-26 have been rejected under 35 USC 103(a) as being obvious over Becker.

Group #1: Claims 25-26

In the Office Action dated Jan. 17, 2007, claims 25-26 were rejected under 35 USC 103(a) as being obvious over Becker.

In the rejection, the Examiner stated that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the shock event time, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum workable ranges involves only routine skill in the art." Applicants respectfully disagree that such ranges, as claimed by applicants, could be discovered by one of only routine skill in the art.

A particular parameter must first be recognized as a result-effective variable, i.e., a variable which achieves a recognized result, before the determination of the optimum or workable ranges of said variable might be characterized as routine experimentation. *In re Antonie*, 559 F.2d 618, 195 USPQ 6 (CCPA 1977).

In the present case, Becker discloses that "both the spring constants of the individual springs and the natural frequency of the system can be increased" such that "[a] component of elastic force applied in a specific direction is then always counteracted by a component of elastic force in the opposite direction" (Col. 2, lines 46-52), but gives no indication as to any effect on the "shock event time imparted on an electronic device," as claimed by applicants. Further, no showing has been made that "extend[ing] a shock event time imparted on an electronic device coupled thereto by at least twice with respect to an identical shock imparted on an identical unprotected electronic device," as claimed by applicants in claim 25, could be discovered by one of routine skill in the art. Further, in claim 26, applicants claim that "the device extends a shock event time imparted on an electronic device coupled thereto by at least four times with respect to an identical shock imparted on an identical unprotected electronic device" (emphasis added). Thus, because the ranges claimed by applicants could not be discovered by one of only routine skill in the art, nor are recognized in the art as a result effective variable, the rejection is improper.

In view of the remarks set forth hereinabove, all of the independent claims are deemed allowable, along with any claims depending therefrom.

VIII APPENDIX OF CLAIMS (37 C.F.R. § 41.37(c)(1)(viii))

The text of the claims involved in the appeal (along with associated status information) is set forth below:

1. (PREVIOUSLY PRESENTED) A device for extending an event time of a physical shock imparted on an electronic device, comprising:
   a frame; and
   a resiliently elastic material coupled to the frame, the resiliently elastic material being adapted for suspending an electronic device with respect to the frame,
   wherein a portion of the frame is positioned along at least three sides of the electronic device,
   wherein at least a portion of the resiliently elastic material is wrapped around an entire length of an outer periphery of the portion of the frame such that the resiliently elastic material encircles the outer periphery of the portion of the frame.

2. (PREVIOUSLY PRESENTED) A device as recited in claim 1, wherein the portion of the frame located along the at least three sides of the electronic device is a unitary structure.

3. (PREVIOUSLY PRESENTED) A device as recited in claim 1, wherein the frame is at least one of rigid and semi-rigid.

4. (ORIGINAL) A device as recited in claim 1, wherein the resiliently elastic material is a polymeric material.

5. (PREVIOUSLY PRESENTED) A device as recited in claim 1, wherein the resiliently elastic material is in the form of a sheet, wherein the resiliently elastic material forms a complete loop around the portion of the frame.

6. (ORIGINAL) A device as recited in claim 1, wherein the resiliently elastic material is in the form of a strap.

7. (PREVIOUSLY PRESENTED) A device as recited in claim 1, wherein the resiliently elastic material is in the form of a rib adapted to be coupled to an electronic device.

8. (ORIGINAL) A device as recited in claim 7, wherein the rib is in tension.

9. (PREVIOUSLY PRESENTED) A device as recited in claim 1, further comprising layers of the resiliently elastic material adapted to sandwich an electronic device therebetween.

10. (PREVIOUSLY PRESENTED) A device as recited in claim 9, further comprising at least one rib coupled to the frame and adapted for coupling to an electronic component for further restricting movement of the electronic component with respect to the frame.

11. (PREVIOUSLY PRESENTED) A device as recited in claim 1, wherein the resiliently elastic material is adapted for physical coupling to an electronic device.

12. (PREVIOUSLY PRESENTED) A device as recited in claim 1, wherein the device extends a shock event time imparted on an electronic device coupled thereto by at least twice with respect to an identical shock imparted on an identical unprotected electronic device.

13. (PREVIOUSLY PRESENTED) A device as recited in claim 1, wherein the device extends a shock event time imparted on an electronic device coupled thereto by at least four times with respect to an identical shock imparted on an identical unprotected electronic device.

14. (PREVIOUSLY PRESENTED) A device as recited in claim 1, wherein the device is designed for coupling to a hard disk drive.

15. (PREVIOUSLY PRESENTED) An electronic device in combination with a device for extending an event time of a physical shock imparted on the electronic device, comprising:

an electronic device;

a frame; and

an elastic material coupled to the frame, the elastic material being wrapped around at least a portion of the frame such that the elastic material forms an effectively continuous single loop around an outer periphery of the frame located therealong and the electronic device.

16. (PREVIOUSLY PRESENTED) An electronic device in combination with a device for extending an event time of a physical shock imparted on the electronic device as recited in claim 15, wherein the elastic material is in the form of a sheet.

17. (PREVIOUSLY PRESENTED) An electronic device in combination with a device for extending an event time of a physical shock imparted on the electronic device as recited in claim 15, wherein the elastic material is in the form of a strap.

18. (PREVIOUSLY PRESENTED) An electronic device in combination with a device for extending an event time of a physical shock imparted on the electronic device as recited in claim 15, further comprising at least one rib coupled to the frame and the electronic device for further restricting movement of the electronic device with respect to the frame.

19. (PREVIOUSLY PRESENTED) An electronic device in combination with a device for extending an event time of a physical shock imparted on the electronic device as recited in claim 15, wherein the electronic device is fixedly coupled to the elastic material.

20. (PREVIOUSLY PRESENTED) An electronic device in combination with a device for extending an event time of a physical shock imparted on the electronic device as recited

in claim 15, wherein the shock event time is extended by at least twice with respect to an identical shock imparted on an identical unprotected electronic device.

21. (PREVIOUSLY PRESENTED) An electronic device in combination with a device for extending an event time of a physical shock imparted on the electronic device as recited in claim 15, wherein the shock event time is extended by at least four times with respect to an identical shock imparted on an identical unprotected electronic device.

22. (PREVIOUSLY PRESENTED) An electronic device in combination with a device for extending an event time of a physical shock imparted on the electronic device as recited in claim 15, wherein the electronic device is a hard disk drive.

24. (PREVIOUSLY PRESENTED) A device as recited in claim 23, wherein a first of the ribs is coupled to a first side of the electronic device, wherein a second of the ribs is coupled to a second side of the electronic device, wherein a third of the ribs is coupled to a third side of the electronic device,

25. (PREVIOUSLY PRESENTED) A device as recited in claim 23, wherein the device extends a shock event time imparted on an electronic device coupled thereto by at least twice with respect to an identical shock imparted on an identical unprotected electronic device.

26. (PREVIOUSLY PRESENTED) A device as recited in claim 23, wherein the device extends a shock event time imparted on an electronic device coupled thereto by at least four times with respect to an identical shock imparted on an identical unprotected electronic device.

27. (PREVIOUSLY PRESENTED) A device as recited in claim 23, in combination with a hard disk drive.

IX APPENDIX LISTING ANY EVIDENCE RELIED ON BY THE APPELLANT IN THE APPEAL (37 C.F.R. § 41.37(c)(1)(ix))

There is no such evidence.

X RELATED PROCEEDINGS APPENDIX (37 C.F.R. § 41.37(c)(1)(x))

None

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 971-2573. For payment of any additional fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-2587 (Order No. HSJ9-2003-0211US1).

Respectfully submitted,

By: /Dominic M. Kotab/ Date: August 21, 2007
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